

Delegates Johnson, Blair, Burdette, Dorsey, Dukes, Grant, Harkness, Neilson, F. C. Robey, Rollins, Rosenstock, Rybczynski, M. Smith, H. Taylor, Wheatley, Hostetter, Hickman, Frederick, Murphy, Kahl, Soul, Sosnowski, Kirkland, Linton, Bradshaw, Vecera, Rush, D. Murray, E. C. Murray, Key, Ritter, Webb, Darby, Hutchinson, Jett, J. H. Smith, Siewierski:

On page 3 section 7, Right to Jury Trial in Civil Cases strike out all of line 41 through 44, inclusive, beginning with the word "the" in line 41 and extending through the word "verdict" in line 44 and insert in lieu thereof the following: "The jury shall consist of not less than 12. The General Assembly may provide by law for a jury of not less than six in the district court. A unanimous decision of any jury shall be required to constitute its verdict."

THE CHAIRMAN: The amendment has been submitted by Delegate Johnson and seconded by numerous other delegates.

The Chair recognizes Delegate Johnson to speak to the amendment.

DELEGATE JOHNSON: Mr. Chairman, if you would permit, I should like to read the names of some additional delegates who wish to co-sponsor this amendment. May I do so?

THE CHAIRMAN: I am sorry, would you say it again, Delegate Johnson.

DELEGATE JOHNSON: I would like to read the names of some additional delegates who wish to co-sponsor this amendment. I would like to so record their names.

THE CHAIRMAN: Very well.

DELEGATE JOHNSON: Delegates Hostetter, Hickman, Frederick, Murphy, Kahl, Siewierski, Soul, Sosnowski, Kirkland, Linton, Bradshaw, Vecera, Rush, Dorothy Murray, Churchill Murray, Key, Ritter, Webb, Darby, Hutchinson, Jett, Hodge Smith—if we could have him raise his hand.

THE CHAIRMAN: Delegate Borom, for what purpose do you rise?

DELEGATE BOROM: I move the previous question.

THE CHAIRMAN: Delegate Johnson, you may speak to the amendment.

DELEGATE JOHNSON: Mr. Chairman and fellow delegates, may I call to your attention that under section 5, Rights of the Accused, while guaranteeing a twelve-man jury to the wrongly accused, this Committee has also granted a twelve-man jury

to the most hardened and unconscionable criminal. Under the same section, namely section 5, Rights of the Accused, while correctly granting the right of a twelve-man jury to an individual accused of murder, it also impliedly granted the right of jury trials to an individual who is the recipient of a parking ticket.

If you really believe, as I do, and as I am certain the sponsors of this amendment do, that the twelve-man jury is such a cherished right, that there is not a law-abiding citizen who is not entitled to the same right.

I call to your attention that the amendment that is before you for consideration, correctly guarantees civil jury trials. The question is, what will the constitutional minimum guarantee be.

Under section 7, as you have it before you, you will note that the majority states that juries shall consist of not less than six. In effect, this will permit the General Assembly the opportunity, perhaps not in the immediate future but sometime in the future, to set all civil jury trials at six so that cases perhaps involving hundreds of thousands of dollars will be decided by only a six-man jury. I submit to you, ladies and gentlemen, that if two heads are better than one, then twelve minds should be better than six.

I think it is very important to retain a twelve-man jury on the Superior Court level for several reasons: First of all, you will have the opportunity to obtain a proper cross section of all people, all points of view and all ethnic groups. You will be permitted to do this by virtue of a twelve-man jury. You will not have the same, and no one can argue that you will have the same opportunity with a six-man jury. With a twelve-person jury, you will have that much more experience with the problems that the jury will be facing, and you will, I submit, have an opportunity to evade the problem where there is a jury leader, an individual who thinks that he knows something more than the other jury members do, and oftentimes bulls the jury into making a decision that it would not have ordinarily made had it not been for that one persuasive member.

I am convinced that a majority of the members of the Personal Rights Committee meant to do just what this amendment does, namely, to retain the twelve-man jury on the Superior Court level and let the legislature have permission to establish a six-member jury on a lower court, namely, the District Court. This suggested amendment